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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional Working Group
15-19 May 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the second periodic report of Venezuela concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights
(E/1990/6/Add.19)

I. GENERAL INFORMATION

A. Land and people

1. The Committee requests the most recently available data on the total population, the male and female population, maternal mortality, child mortality and life expectancy, updating the information contained in paragraph 1 of the core document (HRI/CORE/1/Add.3) and that contained in paragraph 2 of the core document on the population breakdown by age.

2. Please provide information on the situation of the indigenous population, which, according to the periodic report, is estimated as accounting for only 1.5 per cent of the population and appears to be one of the groups with the worst living conditions, and on the application of the IMATACA Reserve Zoning Plan, which affects the Pemon, Arawak and Kariña communities.

3. Please provide information on the results of the agrarian reform law and its impact on the devolution of ancestral lands to indigenous communities.

B. General legal framework within which human rights are protected

4. Please state whether the Covenant and the rights proclaimed therein may be invoked before the courts by the citizens of Venezuela and whether there is any jurisprudence in this respect.

5. Please provide information on the status of economic, social and cultural rights in the Constitution in particular, and in the legal system in general.

6. Please state what the Government's position is with respect to the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

C. Information and publicity relating to the rights recognized in the Covenant and other international human rights instruments

7. Please indicate what measures have been taken to inform the public, government bodies, the judiciary, public officials, members of the police force and non-governmental organizations about the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, and also about the general comments/recommendations of the various human rights treaty bodies.

8. To what extent have non-governmental organizations participated in the preparation of the report?

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2. Non-discrimination

9. According to information received by the Committee, indigenous groups, in addition to living in conditions of hardship, as recognized in the report, are victims of xenophobic acts of violence, including extrajudicial executions, are segregated from other inmates in prisons, lack health services, suffer ill-treatment at the hands of the police, etc. What measures has the State party undertaken to improve the situation of these groups?

10. The Committee would like to know what the State party's position is with respect to ratification of the ILO Indigenous and Tribal Peoples Convention (No. 169).

11. The Committee, aware of the challenge the State party has had to face in reacting rapidly and effectively to the catastrophic rains and floods that have drawn a sympathetic response from the international community, would like to know the extent of international relief and the measures taken by the State party to bring it to those most in need.

Article 3. Equal rights of men and women

12. Please indicate whether the State party is resolved to ensure that men and women fully enjoy equal rights under all branches of the law, and whether, on account of cultural traditions and practices, women may be subject to discrimination, for example in the case of the right of Venezuelan men married to foreign women to transmit their nationality, which does not apply to Venezuelan women married to foreign men.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

13. Please update the figures given in the table in paragraph 38 of the report on the evolution of unemployment, broken down by sex and age.

14. What measures has the State party undertaken to protect informal sector workers?

15. Please provide information on measures taken to promote the employment opportunities of persons with disabilities.

16. Please provide information on the results achieved by the National Women's Council in promoting employment among Venezuelan women.

17. Please provide updated information on the results of the human resources training programmes (National Apprenticeship Programme, On-the-Job Training Programme, Deduction Programme and Youth Training and Employment Programme), and of the technical and vocational training programmes, especially those run by the National Institute for Education Cooperation (number of male and female students, placements, types of contract, etc.), in the last five years (paras. 50-58 of the report).

Article 7. Right to just and favourable conditions of work

18. Please indicate the mechanism used to set the minimum wage and adjust it to the cost of living under the Basic Labour Act of 1997, and whether there are any groups of workers who are paid wages below the minimum wage.

19. Please provide updated statistical data, covering the last five years, on the number of industrial accidents and occupational diseases, by economic sector, sex and age group.

20. Please indicate the number of involuntarily unemployed workers and any assistance provided by the State once the regular unemployment benefit period has expired and whether informal sector workers receive any assistance.

21. Please provide information on conditions of work of foreign workers in Venezuela.

Article 8. Trade union rights

22. Please provide information on the effects of the application of the Basic Labour Act with regard to workers' representation and sanctions in the event of discrimination against and interference with trade unions, on the requirements for setting up workers' and employers' unions, and on the period of residence required for foreign workers to hold trade union office, these issues having been raised by the ILO Committee of Experts on the Application of Conventions and Recommendations in its 1999 observations concerning the Freedom of Association and Protection of the Right to Organize Convention (No. 87) and the Right to Organize and Collective Bargaining Convention (No. 98).

23. Please provide information on the number of authorized and unauthorized strikes in the past five years.

Article 9. Right to social security

24. Please provide more detailed information on the protection afforded by the currently applicable social security system ("common illnesses; maternity, old-age and disability benefits; survivors' benefits; benefits in respect of industrial accidents and occupational diseases; unemployment benefits; family allowances; and the pension and retirement system" as indicated in paragraph 121 of the report), including its main features, requirements, amounts in relation to the minimum wage, incompatibilities, etc.

25. Please indicate whether retirement is compulsory at a specific age in the private and public sectors, and whether any distinction is made between men and women in this regard.

26. Please state whether the present social security system covers all Venezuelan and foreign workers resident in Venezuela, or whether there are any groups that do not enjoy such protection.

27. Please indicate whether, following the recommendations of the ILO Committee of Experts in 1999 concerning the Maternity Protection Convention (No. 3), measures have been taken to extend maternity benefits (maternity compensation benefits and medical aid) to all women workers in Venezuela.

28. Please provide information about the payment of the benefits to non-residents in Venezuela, whether they are nationals of Venezuela or of any other State that has accepted the obligations under the ILO Equality of Treatment (Social Security) Convention (No. 118) ratified by Venezuela, irrespective of whether there are reciprocity agreements.

Article 10. Protection of the family, mothers and children

29. Please provide information on the number of divorces or marital separations that have taken place in the past five years.

30. Please give information on the extent of domestic violence against women and children and measures taken by the State party to combat this phenomenon.

31. Please provide information on the situation of children belonging to vulnerable and marginalized groups (abandoned or disabled children, children living or working in the streets or living in poverty) and the measures taken by the Government to address these problems.

Article 11. Right to an adequate standard of living

32. Please update the figures given in the table entitled "Evolution of the percentage of households in a situation of poverty 1984-1995 (second half)", in paragraph 184 of the periodic report.

33. Please provide information on the number of persons and families who are homeless and those living in substandard housing, on measures taken by the Government to remedy this situation, and on the results of the PROVIS, PROMUEVA, PROINSOL and other programmes referred to in paragraph 208 of the report.

34. Please provide information regarding measures adopted by the Government to assist victims of floods, in particular to facilitate their access to an adequate standard of living.

Article 12. Right to health

35. Please indicate whether any measures have been taken to address the problems arising from teenage pregnancy and abortion.

36. Please provide updated information about maternal mortality rates and child mortality rates.

37. Please provide information on the effective measures being taken in order to protect the environment from oil spills and the degradation of the country's forested areas.

Articles 13 and 14. Right to education

38. Please provide statistical information on the rate of illiteracy in Venezuela for the past five years, broken down by sex, and indicate the measures taken by the State party to combat the problem.

39. Please provide updated statistical data on the number of male and female students at the various levels of education, and on school absentee rates in the past five years.

40. Please provide updated information on adult education and on opportunities for workers to take part in vocational training and further training programmes so that they can improve their position on the labour market.

41. Please provide information on the provision of human rights education in the school system and in the training of teachers, health workers, judges, members of the police force, civil servants and military personnel.

Article 15. Right to take part in cultural life, to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

42. Please provide information on assistance provided to the most vulnerable and marginalized groups (students, older persons, disabled persons, indigenous people, immigrants, etc.) to ensure that they have access to cultural goods and benefit from scientific progress and its applications.

43. Please provide information on measures taken to preserve, protect and promote the cultural values of the indigenous populations.

44. Please provide information on non-governmental organizations and voluntary associations working to promote the cultural development of the country and of the most vulnerable groups.

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